

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: ) Group Art Unit: 1631  
McDONOUGH *et al.* ) Examiner: Marschel, A.  
Serial No. 08/480,472 ) Atty. Docket No. GP034-03.DV1  
Filed: June 6, 1995 ) **VIA FACSIMILE**  
For: NUCLEIC ACID SEQUENCE )  
AMPLIFICATION )

#45  
Plunkett  
9/19/02

**ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION  
AND  
REVOCATION AND POWER OF ATTORNEY**

Box AF  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

The undersigned is empowered to act on behalf of Gen-Probe Incorporated, the assignee of the above-captioned application ("the Assignee"). The assignment of this application from the inventors to the Assignee is evidenced by the Assignments attached hereto. See Attachment A. These Assignments represent the entire chain of title of this application from the inventors to the Assignee. I have reviewed the attached Assignments and, to my knowledge and belief, the Assignee is the owner of the entire right, title and interest in the above-captioned application.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

**REVOCATION AND  
POWER OF ATTORNEY**

Serial No. 08/480,472  
Atty. Docket No. GP034-03.DV1

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the practitioners at Customer Number:

**21365**

PATENT TRADEMARK OFFICE

as its attorneys and/or agents with full power of substitution and revocation to prosecute this application and to transact all business in the United States Patent and Trademark Office connected herewith. This appointment also extends to any and all continuing applications claiming priority to the above-captioned application and is to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please **direct all future communications relative to said application** to the address associated with the above customer number.

Dated: April 2, 2002

By:

Peter R. Shearer  
Vice President, Intellectual Property  
Gen-Probe Incorporated  
10210 Genetic Center Drive  
San Diego, California 92121

SEP-11-02 12:02

FROM-GEN-PROBE EXECUTIVE OFFICE

8584108922

T-076 P.05/11 F-130

**ATTACHMENT A**

## ASSIGNMENT

For valuable consideration, we, Sherrol H. McDonough  
of San Diego, CA, Daniel L. Kacian  
of San Diego, CA, Nanibhushan Pattagupta  
of San Diego, CA, Diane L. McAllister  
of San Diego, CA, Philip W. Hammond  
of San Diego, CA, and Thomas B. Ryder  
of San Diego, CA, hereby assign to

GEN-PROBE INCORPORATED, a Delaware  
corporation having a place of business at San Diego, California  
and its successors and assigns (collectively hereinafter called "the Assignee"),

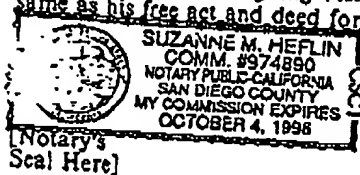
the entire right, title and interest throughout the world in the inventions and  
improvements which are the subject of an application for U.S. Serial No. 07/925,405  
filed on August 4, 1992 entitled NUCLEIC ACID SEQUENCE AMPLIFICATION

this assignment including said application and any and all the United States and  
foreign patents granted for any of said inventions or improvements, and the right  
to claim priority based on the filing date of said application under the International  
Convention for the Protection of Industrial Property, the Patent Cooperation  
Treaty, the European Patent Convention, and all other treaties of like purposes;  
and we authorize the Assignee to apply in all countries in our name or in its own  
name for patents and like rights of exclusion and for inventors' certificates for  
said inventions and improvements; and we agree for ourselves and our respective  
heirs, legal representatives and assigns, without further compensation to perform  
such lawful acts and to sign such further applications, assignments, Preliminary  
Statements and other lawful documents as the Assignee may reasonably request  
to effectuate fully this assignment.

IN WITNESS WHEREOF, I hereto set my hand and seal at San Diego,  
California this 26 day of February, 1993.

STATE OF California SHERROL H. MCDONOUGH L.S.  
COUNTY OF San Diego

Before me this 26 day of February, 1993, personally appeared  
Sherrol H. McDonough known to me to be the person whose name is  
subscribed to the foregoing Assignment and acknowledged that he executed the  
same as his free act and deed for the purposes therein contained.



Suzanne M. Hefflin  
Notary Public

My Commission Expires: October 4, 1996

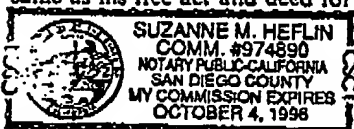
REC-502 RAN/587

IN WITNESS WHEREOF, I hereto set my hand and seal at .....San..Diego.....,  
California..... this ..26.... day of February....., 19..93

*Daniel L. Kacian* L.S.  
FIRST MIDDLE INITIAL LAST  
DANIEL L. KACIAN  
STATE OF .....California.....  
COUNTY OF .....San Diego.....

Before me this 26..... day of February....., 19.93, personally appeared

..... known to me to be the person whose name is  
subscribed to the foregoing Assignment and acknowledged that he executed the  
same as his free act and deed for the purposes therein contained.



[Notary's  
Seal Here]

*Suzanne M. Heflin*  
Notary Public

My Commission Expires:

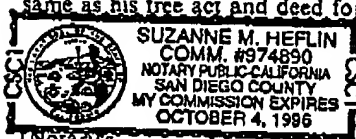
October 4, 1996

IN WITNESS WHEREOF, I hereto set my hand and seal at ..San..Diego.....,  
California..... this ....26.. day of February....., 1993..

*Nanibhushan Dattagupta* L.S.  
FIRST MIDDLE INITIAL LAST  
NANIBHUSHAN DATTAGUPTA  
STATE OF .....California.....  
COUNTY OF .....San Diego.....

Before me this ..26.... day of February....., 19.93, personally appeared

Nanibhushan Dattagupta..... known to me to be the person whose name is  
subscribed to the foregoing Assignment and acknowledged that he executed the  
same as his free act and deed for the purposes therein contained.



[Notary's  
Seal Here]

*Suzanne M. Heflin*  
Notary Public

My Commission Expires:

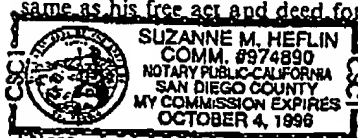
October 4, 1996

IN WITNESS WHEREOF, I hereto set my hand and seal at .....San..Diego.....,  
California..... this ..26.... day of February....., 1993..

*Diane L. McAllister* L.S.  
FIRST MIDDLE INITIAL LAST  
DIANE L. MCALLISTER  
STATE OF California.....  
COUNTY OF .....San Diego.....

Before me this ..26.... day of February....., 19.93, personally appeared

Diane L. McAllister..... known to me to be the person whose name is  
subscribed to the foregoing Assignment and acknowledged that he executed the  
same as his free act and deed for the purposes therein contained.



[Notary's  
Seal Here]

*Suzanne M. Heflin*  
Notary Public

My Commission Expires:

October 4, 1996

REC-502 RME588

IN WITNESS WHEREOF, I hereto set my hand and seal at .....San..Diego.....,  
California..... this 26..... day of February....., 1993.

STATE OF California..... PHILIP W. HAMMOND L.S.  
COUNTY OF San Diego.....

Before me this 26... day of February....., 1993 personally appeared  
Philip W. Hammond..... known to me to be the person whose name is  
subscribed to the foregoing Assignment and acknowledged that he executed the  
same as his free act and deed for the purposes therein contained.



[Notary's  
Seal Here]

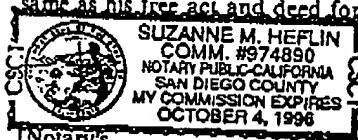
Suzanne M. Heflin  
Notary Public

My Commission Expires:  
October 4, 1996

IN WITNESS WHEREOF, I hereto set my hand and seal at ...San..Diego.....,  
California..... this 26..... day of February....., 1993.

STATE OF California..... THOMAS B. RYDER L.S.  
COUNTY OF San Diego.....

Before me this 26... day of February....., 1993 personally appeared  
Thomas B. Ryder..... known to me to be the person whose name is  
subscribed to the foregoing Assignment and acknowledged that he executed the  
same as his free act and deed for the purposes therein contained.



[Notary's  
Seal Here]

Suzanne M. Heflin  
Notary Public

My Commission Expires:  
October 4, 1996

IN WITNESS WHEREOF, I hereto set my hand and seal at .....  
..... this ..... day of ....., 19.....

STATE OF ..... FIRST MIDDLE INITIAL LAST L.S.  
COUNTY OF ..... SS

Before me this ..... day of ....., 19....., personally appeared  
..... known to me to be the person whose name is  
subscribed to the foregoing Assignment and acknowledged that he executed the  
same as his free act and deed for the purposes therein contained.

Notary Public

My Commission Expires:

[Notary's  
Seal Here]

RECORDED  
PATENT AND TRADEMARK  
OFFICE

OCT 14 1992

Received from < 8584108922 > at 9/11/02 3:00:17 PM [Eastern Daylight Time]

REC-502 FRANK589

Docket No. GP034-03.DV1

**ASSIGNMENT**

FOR GOOD AND VALUABLE CONSIDERATION, the receipt and sufficiency of which are hereby acknowledged, I, Yeasing Y. Yang of 13569 Glenclyff Way, San Diego, California 92130 (hereinafter "ASSIGNOR"), do hereby sell, assign and transfer unto Gen-Probe Incorporated, a corporation duly organized and existing under the laws of the State of Delaware and having its principal office and place of business at 10210 Genetic Center Drive, San Diego, California 92121, and its successors, assigns and legal representatives (hereinafter collectively "ASSIGNEE"), the entire right, title and interest throughout the world in and to those inventions and improvements which are the subject of an application for Letters Patent of the United States entitled "NUCLEIC ACID SEQUENCE AMPLIFICATION" and filed on June 6, 1995 (hereinafter "the application"), and to said application and any and all regular, continuation, divisional, continuation-in-part, reissue and substitute applications thereof, and all rights of priority under International Conventions and applications for Letters Patent filed for said inventions and improvements in any country or countries foreign to the United States, together with all Letters Patent issuing on any of the aforesaid applications for Letters Patent and all extensions and renewals thereof.

AND ASSIGNOR HEREBY AUTHORIZES ASSIGNEE to make applications in all countries in the names of the ASSIGNOR or in the name of the ASSIGNEE for Letters Patent and like rights of exclusion and for inventor's certificates for said inventions and improvements.

AND ASSIGNOR HEREBY COVENANTS AND AGREES to communicate to ASSIGNEE all facts known to ASSIGNOR concerning said inventions and improvements, and to testify in any legal proceeding, sign all lawful papers, execute all continuation, division, continuation-in-part and reissue applications, make all rightful oaths, and to perform any other reasonable and lawful act to assist ASSIGNEE in obtaining full protection and title in and to said inventions and improvements in all countries.

AND ASSIGNOR HEREBY AUTHORIZES AND REQUESTS the Commissioner for Patents to issue all Letters Patent of the United States for said inventions and improvements to ASSIGNEE in accordance with the terms of this instrument.

## ASSIGNMENT

Docket No. GP034-03.DV1

IN WITNESS WHEREOF, I hereto set my hand and seal at San Diego, California,  
this 24<sup>th</sup> day of March, 2002.

By: \_\_\_\_\_

Yeasing Y. Yang  
Yeasing Y. Yang